

REMARKS

The present application includes pending claims 1-23, all of which have been rejected. By this Amendment, claims 2, 4, 5, 7-9, 11, 12, 14, 17, 18, 20 and 22 have been amended to clarify aspects of the inventions. New claims 24-31 have been added. The Applicants respectfully submit that the pending claims define patentable subject matter.

The disclosure was objected to because of incomplete information in Paragraph [0001]. This paragraph has been amended to overcome this objection.

Claims 8-15, and 22 were objected to due to informalities. Claims 8, 11, and 22 have been amended correct minor typographical errors. Thus, the Applicants respectfully request reconsideration of the claim objections.

Claims 1-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 7,065,778 ("Lu") in view of United States Patent No. 6,601,087 ("Zhu"). The Applicants respectfully traverse these rejections for at least the following reasons.

I. The Office Action Fails To Establish A Prima Facie Case Of Obviousness With Respect To The Pending Claims

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure (MPEP) states the following:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art.

See MPEP § 2142. Additionally, if a *prima facie* case of obviousness is not established, the

Applicant is under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

Id.

Lu “relates to the field of television programming distribution.” See Lu at column 1, lines 7-8. Specifically, Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” See *id.* at column 1, lines 8-11.

On the other hand, Zhu “relates generally to data conferencing, and more particularly to instant document sharing in a data conference.” Zhu at column 1, lines 10-12.

A. Lu Does Not Teach Or Suggest Receiving A Request Identifying One Of The Network Protocol Addresses And Responding By Identifying The Other

Claim 1 recites, in part, “server software that receives a **request identifying** one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network addresses** to support delivery....” Claim 8 recites, in part, “server software that receives a **request identifying** the associated first network protocol addresses and **responds by identifying the associated second and third network protocol addresses** to support delivery....”

Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” See Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. See *id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest, however, “server software that receives a **request identifying** one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network addresses** to support delivery,” as recited in claim 1, or “server software that receives a **request identifying** the associated first network protocol addresses and **responds by identifying the associated second and third network protocol addresses** to support delivery,” as recited in claim 8. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR, which is not associated with the

requesting PVR in an way, in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 10, lines 10-15 as disclosing a “request that identifies one of the associated first and second network protocol addresses.” *See* December 27, 2006 Office Action at page 4. This portion of Lu states, however, the following:

Furthermore, the programming instructions of step 512 may also include an Internet Protocol (IP) address of a device (e.g., personalized video recorder 200) that the personalized vide recorder (e.g., 200A or 200B) should transmit the requested television show to once it has been recorded.

Lu at column 10, lines 10-15. This portion of Lu merely indicates the IP address of the location in which the recorded show will be sent. This passage of Lu does not, however, teach or suggest “server software that **receives a request identifying one of the associated first and second network protocol addresses,**” as recited in claim 1, for example. Thus, for at least this reason, the Office Action has not established a prima facie case of obviousness with respect to claims 1-15.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing “respond[ing to a request that identifies one of the associated first and second protocol addresses] by identifying the other of the associated first and second network addresses” *See* December 27, 2006 Office Action at page 5. This portion of Lu recites, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” *See id.* at column

6, lines 43-45. A request for delivery of a specific television show that may not be available to a person is not a “request that identifies one of the associated first and second network addresses.” Moreover, in response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Arbitrary location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses to support delivery,” as recited in claim 1. Thus, for at least this additional reason, the Office Action has not established a prima facie case of obviousness with respect to claims 1-15.

B. The Office Action Does Not Demonstrate How Zhu Overcomes The Deficiencies Of Lu

The Office Action acknowledges that Lu does not teach “simultaneous consumption by the first and second television displays under control of a user at the first home,” as recited in claim 1. See December 27, 2006 Office Action at page 5. The Office Action also acknowledges that Lu “does not teach a third television display at a third home, and having an associated third network protocol address, and concurrent consumption from the first storage to the second and third displays under control of a user at the first home,” as recited in claim 8. See *id.* at page 8. Additionally, the Office Action acknowledges that “Lu does not teach simultaneous consumption by the first and second displays under control of a user at the first home,” as recited in claim 16. See *id.* at page 11.

In order to overcome these deficiencies, the Office Action cites Zhu, which, as noted above, relates to “data conferencing.” See *id.* at pages 5, 8, and 11. Specifically, the Office

Action cites to column 6, lines 43-56. This portion of Zhu states, however, the following:

A user of document sharing application 210A selects a file editing application to view in step 902. In response, the file editing application is invoked, generating an application screen 802, as shown in step 904. Document sharing application 210A causes application screen 802 to be sent to virtual display driver 504, thereby generating a shared screen 508 as shown in step 906. The shared screen is passed back to document sharing application 210A, which sends the shared screen to server 102 in step 908. Server 102 distributes the shared screen to the other clients in the data conference in step 910. In step 912, the other clients in the data conference, such as the client running document sharing application 210B, display the shared screen using viewer application 308.

Zhu at column 6, lines 43-56.

As shown above, there is nothing in this passage of Zhu that teaches or suggests “simultaneous consumption by the first and second television displays **under control of a user at the first home**,” as recited, for example, in claim 1 of the present application. Instead, this portion of Zhu merely discloses shared document viewing in which one of the clients is running the application, but not controlling consumption from a first home.

The Office Action asserts that Zhu’s use of the word “invoked” shows control by a user at a first home. *See* December 27, 2006 Office Action at page 5 (“Zhu teaches simultaneous consumption... under control of a user at the first home (Col 6 lines 43-56, user invoked shared screen to be displayed on other clients)”). However, Zhu’s use of the word “invoked,” as shown above, merely means that the file application is initiated after it is selected. Indeed, Zhu also states that the “present invention is usually invoked after a data conference has been established.” *See id.* at column 3, lines 38-39. Zhu’s use of the word “invoked” merely means that something is initiated, not that it is “under control of a user at the first home.” Thus, for at

least these reasons, the Office Action has not established a prima facie case of obviousness with respect to claims 1-7.

Claim 8 recites, in part, “concurrent consumption under control of a user at the first home,” while claims 16 recites, in part, “the first and second television displays under control of a user at the first home.” For at least the reasons discussed above, the Office Action has not established a prima facie case of obviousness with respect to claims 8-23.

II. New Claims 24-31

New claims 24-31 should be in condition for allowance for at least the reasons discussed above with respect to section I.B. The fee for these new claims is calculated below:

8 additional claims over 20 X \$50 per claim = \$400

1 additional independent in excess of 3 X \$200 per ind. claim = \$200

TOTAL = \$600

III. Conclusion

In general, the Office Action makes various statements regarding claims 1-23 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a prima facie case of obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If

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the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

The Commissioner is authorized to charge any necessary fees, including the \$600 fee for new claims 24-31, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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